



Order Filed on January 26, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

STEVEN P. KELLY, ESQUIRE
Stern & Eisenberg, PC
1040 N. Kings Highway, Suite 407,
Cherry Hill, New Jersey 08034
Telephone: (609) 397-9200
FACSIMILE: (856) 667-1456
(COUNSEL FOR MOVANT)

In Re:
Dalton R. Davis
Debtor

HSBC Bank USA, National Association, as Indenture
Trustee of the Fieldstone Mortgage Investment Trust,
Series 2005-3, by its servicer Ocwen Loan Servicing,
LLC

Creditor/Movant

v.
Dalton R. Davis
Respondent

Case Number: 14-21887-ABA


Chapter 13

Judge: Andrew B. Altenburg, Jr.

ORDER APPROVING STIPULATION/CONDITIONAL ORDER RESOLVING MOTION TO
REINSTATE THE AUTOMATIC STAY

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**.

DATED: January 26, 2017



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

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Debtor: Dalton R. Davis

Case Number: 14-21887-ABA

Caption of Order: Order Approving Stipulation/Conditional Order Resolving the Motion to Reinstate the Automatic Stay

Upon the Motion to Reinstate the Automatic Stay by Debtor and the Opposition of HSBC Bank USA, National Association, as Indenture Trustee of the Fieldstone Mortgage Investment Trust, Series 2005-3, by its servicer Ocwen Loan Servicing, LLC (Creditor) through its Counsel Stern & Eisenberg PC, attorneys for secured creditor, under Bankruptcy Code (section 362(d), et al.) for relief from the automatic stay as to certain property, 219 South Second Street, Vineland, NJ 08360 (“Property”), and the entry of the Order resolving the Motion to Reinstate the Automatic Stay and for cause shown, it is hereby ORDERED and DECREED as follows:

1. At the date of this Order, Dalton R. Davis (“Debtor”) acknowledges that Debtor is due for the following post-petition regular monthly payments from April 1, 2016 to December 1, 2016 as follows:
 - a. Monthly payments total (\$1,289.84/4 mos.).....\$5,159.36
(04/01/2016 to 07/01/2016)
 - b. Monthly payments total (\$1,399.29/5 mos.).....\$6,996.45
(08/01/2016 to 12/01/2016)
 - c. Suspense.....(\$76.75)
 - d. Attorney fees and costs.....\$700.00
 - e. Total arrear as of date of Order.....\$12,779.06
2. Debtor shall cure the above Arrear as on or before January 31, 2017 by remitting certified funds to Creditor in the amount of \$12,779.06.
3. Going forward, Debtor agrees to continue making the regular monthly mortgage payments, and further agrees to remain current on all monthly mortgage payments (currently due for January 1, 2017) in the amount of \$1,399.29/monthly. In the event the regular monthly payment changes for any reason, then the amount due pursuant to this paragraph 3 shall be adjusted accordingly.
4. Parties agree the Relief Order granted on 10/12/2016 at Docket Entry #80 is vacated and the Automatic Stay is reinstated.
5. Payments due in accordance with this Order shall be due on or before the 1st day of each month and shall be sent to Ocwen Loan Servicing, LLC, Attn: Payment Processing Department, 1661 Worthington Road, Suite 100, West Palm Beach, FL 34409, making sure that Creditor's loan number appears on all payments.
6. Debtor shall make the regular monthly payments required to the Trustee.
7. In the event Debtor fails to comply with the terms of this Order for more than 30 days, Creditor may submit a certification of default and proposed Order for Relief from the

(page 3)

Debtor: Dalton R. Davis

Case Number: 14-21887-ABA

Caption of Order: Order Approving Stipulation/Conditional Order Resolving the Motion to Reinstate the Automatic Stay

Automatic Stay (form of Order is attached as Exhibit "A") to the court and serve a copy of such Certification of Default upon the Debtor and Debtor's counsel.

8. Fourteen days after receipt of a Certification of Default, the court will enter an order granting Creditor relief from the automatic stay unless the Debtor has filed an objection to the Certification of Default specifying reasons for the objection; in which case the court will set a hearing on the objection.
9. The failure by the Creditor, at any time, to file a Certification of Default upon default by the Debtor shall not be construed, nor shall such failure act, as a waiver of any of Creditor's rights hereunder.
10. Upon issuance of the aforesaid Order, the parties hereto further agree that Creditor may proceed in state court to exercise all rights and remedies available to it as a mortgagee and creditor under state and federal law including, but not limited to, the initiation of and continuation of foreclosure and execution process through sheriff's sale concerning the Property and ejectionment thereafter.
11. In the event Debtor converts to a bankruptcy under Chapter 7 of the Bankruptcy Code then Debtor shall pay all pre-petition arrears and post-petition arrears within 10 days from the date the case is converted. If Debtor fails to make payments in accordance with this paragraph then the Creditor, through Counsel, may file a certification setting forth said failure and the Creditor shall be granted immediate relief from the automatic stay and may also request entry of the form of Order attached as Exhibit "A".

/s/ Moshe Rothenberg, Esq.

MOSHE ROTHENBERG, ESQUIRE
COUNSEL FOR DEBTOR

/s/Steven P. Kelly, Esquire

STEVEN P. KELLY, ESQUIRE
STERN & EISENBERG, PC
ATTORNEY FOR CREDITOR

EXHIBIT A

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-2(c)	
STEVEN P. KELLY, ESQUIRE Stern & Eisenberg, PC 1040 N. Kings Highway, Suite 407, Cherry Hill, New Jersey 08034 Telephone: (609) 397-9200 FACSIMILE: (856) 667-1456 (COUNSEL FOR MOVANT)	
In Re: Dalton R. Davis Debtor	

HSBC Bank USA, National Association, as Indenture Trustee of the Fieldstone Mortgage Investment Trust, Series 2005-3, by its servicer Ocwen Loan Servicing, LLC	
Creditor/Movant	
v. Dalton R. Davis Respondent	

Case Number: 14-21887

Chapter 13

Judge: Andrew B. Altenburg, Jr.

**ORDER GRANTING RELIEF FROM AUTOMATIC STAY AND IN REM RELIEF FOLLOWING
CERTIFICATION OF DEFAULT OF CONDITIONAL ORDER/STIPULATION**

Upon Motion of HSBC Bank USA, National Association, as Indenture Trustee of the Fieldstone Mortgage Investment Trust, Series 2005-3, by its servicer Ocwen Loan Servicing, LLC (Creditor) for relief and a Certification of Default having been filed in accordance with the Order/Stipulation Resolving the Motion, it is hereby ORDERED AND DECREED that Movant, HSBC Bank USA, National Association, as Indenture Trustee of the Fieldstone Mortgage Investment Trust, Series 2005-3, by its servicer Ocwen Loan Servicing, LLC (Creditor) (and any assignee/successor-in-interest) is granted relief from the stay of 11 U.S.C. §362, et al. to proceed with its mortgage foreclosure action and Sheriff's Sale (and all other rights under state and federal law) concerning the Property: 219 South Second Street, Vineland, NJ 08360 ("Property")

It is further ORDERED and DECREED that the 14-day stay pursuant to BKRP 4001(a)(3) is hereby waived.